

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

HEATHER PATTERSON, a minor, by and)	
through RAY PATTERSON and)	
DEANNA PATTERSON, her parents and)	
next friends,)	
)	
Plaintiffs,)	
vs.)	No. 09 CV 4058
)	
LANE & LANE, LLC and STEPHEN I. LANE,)	JURY DEMANDED
Defendants.)	

STATEMENT OF UNDISPUTED FACTS
TO ACCOMPANY DEFENDANTS' MOTION FOR SUMMARY JUDGEMENT

NOW COME the Defendants, LANE & LANE, LLC and STEPHEN I. LANE (collectively, "Lane Defendants"), by their attorneys, KONICEK & DILLON, P.C., and in accordance with Rule 56 of the Federal Rules of Civil Procedure submit this Statement of Undisputed Facts in support of their Motion for Summary Judgment:

1. Heather Patterson was born in Alexian Brothers Medical Center on March 10, 1995. (See **EXHIBIT A**, March 10, 1995 Heather Patterson Medical Record).
2. Dr. Rhonda Williams, the doctor who delivered Heather, noted that Heather suffered shoulder dysplasia. (See **Exhibit A**, March 10, 1995 Heather Patterson Medical Record).
3. Sometime in 2002, Heather's parents, Ray and Deanna Patterson contacted the Lane Defendants to investigate and pursue a medical malpractice claim against Alexian Brothers Medical Center and Dr. Rhonda Williams. (See **EXHIBIT B**, Excerpt of Lane Dep., p. 26, l. 15-24; p. 27, l. 1-19).

4. According to Plaintiffs, the statute of repose for Plaintiffs' medical malpractice claim was eight years from the date of the child's birth. (See **EXHIBIT C**, Plaintiffs' Legal Malpractice Complaint, ¶ 14).

5. On March 12, 2003, the Lane Defendants filed a medical malpractice claim against Alexian Brothers Medical Center and Dr. Rhonda Williams on behalf of Heather, Deanna, and Ray Patterson ("Plaintiffs"). (See **EXHIBIT D**, Patterson's Underlying Complaint, see also **Exhibit B**, Excerpt of Lane Dep., p. 58, l. 5-8).


6. On April 22, 2005, Deanna Patterson sent the Lane Defendants an email, stating, "Therefore, it is my understanding that this gives the other side reasonable cause to have the case dismissed due to the filing 2 days after the statute of limitations expired...There is no question that it was filed late." (See **EXHIBIT E**, Deanna Patterson April 22, 2005 Email).

7. On April 6, 2009, the Lane Defendants notified Plaintiffs of a settlement offer from Alexian Brothers Medical Center and Dr. Rhonda Williams of \$170,000. (See **EXHIBIT F**, Lane Defendants' April 6, 2009 Email).

8. On April 11, 2009, Plaintiffs instructed the Lane Defendants to communicate their acceptance of the \$170,000 settlement offer. Plaintiffs also informed the Lane Defendants that Plaintiffs had retained new counsel to investigate and prosecute their legal malpractice claim against the Lane Defendants. (See **EXHIBIT G**, Plaintiffs' April 11, 2009 Email).

9. On July 7, 2009, approximately six years and four months after Plaintiffs allege the Lane Defendants breached the standard of care by filing Plaintiffs' medical malpractice claim two days after the deadline, Plaintiffs filed this legal malpractice claim against the Lane Defendants. (See **Exhibit C**, Plaintiffs' Legal Malpractice Complaint).

Respectfully submitted,


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